

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

PAMELA G. CAPPETTA,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:08-cv-00288
)	
GC SERVICES LIMITED PARTNERSHIP,)	
)	
Defendant.)	

**DEFENDANT’S MEMORANDUM IN SUPPORT OF ITS MOTION FOR EXTENSION
OF TIME TO PRODUCE INVENTORY, DOCUMENTS,
AND PRIVILEGE LOG FOR 2005 AND 2006 CDs**

Defendant GC Services Limited Partnership (“GC Services”), by counsel, states as follows for its Memorandum in Support of its Motion for an Extension of Time to Produce Inventory, Documents, and Privilege Log for 2005 and 2006 CDs:

1. Following the parties’ discovery conference on February 24, 2009, the Court entered an Order providing, in pertinent part, that Defendant must produce by February 27, 2009 a complete inventory of the contents of the hard drive of the laptop computer used by the previously-identified GC Services employee who was deposed the week of December 8, 2008 (as referenced in Paragraph 5 of the Court’s December 24, 2008 Order (Document 66-1)), and to provide all responsive documents therefrom, along with a detailed privilege log, by March 6, 2009 (*see* Document 95).

2. Defendant has electronically served the inventory of the contents of the hard drive on opposing counsel in compliance with the order. On March 6, Defendant will produce responsive documents on CDs and a privilege log in compliance with the order.

3. However, Defendant is still in the process of completing the inventory for the 2005 and 2006 CDs which contain “backed up” files from the computer hard drive and which are responsive to Plaintiff’s Request for Production No. 29. The 2006 CD contains 1,308 files in 62 folders. The 2005 CD has 6,055 files and 255 folders. Some of the information on the CDs is duplicative of folders in the hard drive that has been inventoried (which inventory was produced to opposing counsel on February 27, 2009). Nevertheless, these folders from the CDs need to be inventoried and entered into a privilege log.

4. Defendant requests this additional time to complete the inventory, privilege log and production associated with the 2005 and 2006 CDs because counsel has been working to finalize the inventory of the current hard drive, and to finalize the privilege log and begin burning CDs with responsive documents therefrom. This task has been cumbersome given the size of the hard drive (35 gigabytes containing 21,000 folders).

5. A considerable amount of time (24-36 hours) was needed upon counsel’s initial receipt of the hard drive during the week between December 24, 2008 and January 1, 2009 just to prepare the hard drive for counsel’s review. This involved counsel’s IT department reproducing an entire copy of the hard drive onto a network so its contents were available to attorneys and staff. The IT department and staff then created a document to permit staff and counsel to index the hard drive’s contents by folder and file for the inventory and privilege log. This process involved roughly 10-15 hours of paralegal and IT staff time to complete.

6. By the end of the second week of January 2009, the inventory document was formatted and available for data entry. Since that time, roughly 170 hours of paralegal, IT staff and attorney time have been devoted to the inventory of the hard drive.

7. Defendant has hired 8 contract paralegals to inventory the 2005 and 2006 CDs.

8. This additional time is not made for the purpose of delaying discovery, but to ensure all responsive documents are identified and produced from the 2005 and 2006 CDs to Plaintiff's counsel in compliance with the applicable Order(s) of this Court.

9. Defendant asks that the Court enter an order providing that its inventory of the contents of the 2005 and 2006 CDs be submitted to opposing counsel on March 9, 2009 and that a corresponding privilege log and responsive documents be produced by March 16, 2009.

WHEREFORE, for the foregoing reasons, Defendant GC Services Limited Partnership, respectfully requests that this Court enter an Order providing that Defendant produce an inventory of the 2005 and 2006 CDs on March 9, 2009 and a privilege log and responsive documents for the 2006 and 2006 CDs on March 16, 2009.

Respectfully submitted,

GC SERVICES LIMITED PARTNERSHIP

By: /s/
James C. Skilling (VSB No. 27998)
Rebecca H. Royals (VSB No. 71420)
Zev H. Antell (VSB No. 74634)
Attorneys for GC Services Limited Partnership
BUTLER, WILLIAMS & SKILLING, P.C.
100 Shockoe Slip, 4th Floor
Richmond, Virginia 23219
Telephone: (804) 648-4848
Facsimile: (804) 648-6814
E-mail: jskilling@butlerwilliams.com
rroyals@butlerwilliams.com
zantell@butlerwilliams.com

David M. Schultz (admitted *pro hac vice*)
Attorney for GC Services Limited Partnership
HINSHAW & CULBERTSON LLP
222 N. LaSalle Street, Suite 300
Chicago, IL 60601-1081
Telephone: (312) 704-3000
Facsimile: (312) 704-3000
E-mail: dschultz@hinshawlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February, 2009, I electronically filed the foregoing Defendant's Motion for an Extension of Time to Produce Inventory, Documents, and Privilege Log for 2005 and 2006 CDs with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Matthew J. Erausquin, Esquire
CONSUMER LITIGATION ASSOCIATES, P.C.
10560 Main Street, PH-15
Fairfax, Virginia 22030

Leonard A. Bennett, Esquire
CONSUMER LITIGATION ASSOCIATES, P.C.
12515 Warwick Boulevard, Suite 100
Newport News, Virginia 23606

Jason M. Krumbein, Esquire
KRUMBEIN CONSUMER LEGAL SERVICES
1650 Willow Lawn Drive, Suite 300
Richmond, Virginia 23230

Counsel for Plaintiffs

/s/ _____
James C. Skilling (VSB No. 27998)
Attorney for GC Services Limited Partnership
BUTLER WILLIAMS & SKILLING, P.C.
100 Shockoe Slip, 4th Floor
Richmond, Virginia 23219
Telephone: (804) 648-4848
Facsimile: (804) 648-6814
Email: jskilling@butlerwilliams.com